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10 Attorneys for Defendant
WELLS FARGO BANK, N.A., successor by merger with
11 Wells Fargo Bank Southwest, N.A. f/k/a/ Wachovia
Mortgage, FSB f/k/a World Savings Bank, FSB
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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15

16 ROBERT TUCK, PATRICIA BERKOWITZ,

17 Plaintiffs,

18 vs.

19 WELLS FARGO HOME MORTGAGE; NDEX
20 WEST, LLC; DOES 1 through 50, inclusive,

21 Defendants.

Case No. 4:12-CV-04002-DMR

[Assigned for all purpose to Magistrate Judge
Donno M. Ryu]

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
INITIAL DISCLOSURES AND
[PROPOSED] ORDER AS MODIFIED**

1 This stipulation is entered into by and between Plaintiffs Robert Tuck and Patricia
2 Berkowitz ("Plaintiffs") and Defendant Wells Fargo Bank, N.A. ("Wells Fargo") with regard to
3 the following:

4 **RECITALS**

5 A. A Case Management Conference in this matter is scheduled for October 11, 2012 at
6 11:00 a.m.

7 B. The hearing on Wells Fargo's Motion to Dismiss the Complaint is scheduled for
8 October 11, 2012 at 11:00 a.m.

9 C. The hearing on Plaintiffs' Order to Show Cause Why Preliminary Injunction Should
10 Not Issue ("OSC") is scheduled for October 11, 2012 at 11:00 a.m.

11 D. On September 20, 2012, at approximately 2:20 p.m. the parties met and conferred
12 in accordance with the August 22, 2012 Order Setting Case Management Conference and
13 Standing Order for Magistrate Judge Donna M. Ryu.

14 E. No prior continuances have been requested nor granted with respect to the Case
15 Management Conference.

16 **STIPULATION**

17 The parties hereby agree that it is premature to hold the Case Management Conference on
18 October 11, 2012, in light of Wells Fargo's pending Motion to Dismiss and Plaintiffs' pending
19 OSC which are scheduled to be heard the same day as the October 11, 2012 Case Management
20 Conference.

21 The parties hereby agree that the October 11, 2012 Case Management Conference should
22 be continued to allow time for the action to become at issue and thus allow the parties to
23 meaningfully and productively confer regarding further proceedings, including the setting of
24 discovery, pre-trial and trial deadlines and dates.

25 For the same reasons, the parties also wish to continue the last day to complete initial
26 disclosures or state objections to such in a Federal Rule of Civil Procedure Rule 26(f) ("Rule 26")
27 Report, to file and serve a Case Management Statement, to file and serve a Rule 26(f) Report, to
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3 a Rule 26(f) Report, to file and serve an ADR Certification, and to file and serve a
4 Stipulation to ADR Process or Notice of Need for ADR Phone Conference.

5 WHEREFORE, the parties hereby stipulate and request as follows:

6 1. The Case Management Conference presently scheduled for October 11,
7 2012 be continued to December 12, 2012.

8 2. No later than November 28, 2012, the parties shall: (1) meet and confer
9 regarding Fed.R.Civ. P. 26 initial disclosures, early settlement, ADR process selection and
10 a discovery plan; (2) file an ADR Certification signed by the parties and counsel pursuant
11 to A.D.R. L.R.3-5(b); and (3) file either a Stipulation to ADR Process or Notice of Need
12 for ADR Phone Conference pursuant to A.D.R. L.R. 3-5(b) & (c).

13 3. No later than December 5, 2012, the parties shall file the Rule 26(f) Report,
14 complete initial disclosures, state objections in the Rule 26(f) Report, and file a Joint Case
15 Management Statement in conformance with Judge Ryu's Standing Order.

16 **AGREED TO AND ACCEPTED BY:**

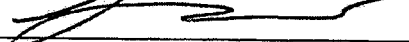
17 Dated: October 2, 2012

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

19 By: /s/ Josi Kennon Swonetz
20 JOSI KENNON SWONETZ
21 Attorneys for Defendant
22 WELLS FARGO BANK, N.A., successor by
23 merger with Wells Fargo Bank Southwest,
N.A. f/k/a/ Wachovia Mortgage, FSB f/k/a
World Savings Bank, FSB

24 Dated: October 2 2012

CAMACHO & ASSOCIATES

25 By: 
26 LUIS W. CAMACHO
27 Attorneys for Plaintiffs
28 Robert Tuck and Patricia Berkowitz

1 **[PROPOSED] ORDER**

2 Good cause appearing, it is so ordered as follows:


3 1. No later than ^{November 7, 2012} ~~November 28, 2012~~, the parties shall: (1) meet and confer regarding
4 Fed.R.Civ. P. 26 initial disclosures, early settlement, ADR process selection and a discovery plan;
5 (2) file an ADR Certification signed by the parties and counsel pursuant to A.D.R. L.R.3-5(b); and
6 (3) file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference
7 pursuant to A.D.R. L.R. 3-5(b) & (c).

8 2. No later than ^{November 14, 2012} ~~December 5, 2012~~, the parties shall file the Rule 26(f) Report,
9 complete initial disclosures, state objections in the Rule 26(f) Report, and file a Joint Case
10 Management Statement in conformance with Judge Ryu's Standing Order; and

11 3. The Case Management Conference currently scheduled for October 11, 2012 is
12 continued to ~~December 12, 2012 at 11:00 a.m.~~ November 21, 2012 at 1:30 p.m.

13 IT IS SO ORDERED.

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15 Dated: October 3, 2012



16 Hon. Donna M. Ryu
17 Magistrate Judge, United States District Court
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